

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MARCELO MUTO, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

J.CREW GROUP, LLC,

Defendant.

Case No. 1:23-cv-07429

Hon. Denise Cote

**DEFENDANT J.CREW  
GROUP, LLC'S NOTICE OF  
MOTION AND MOTION TO  
DISMISS**

**TAKE NOTICE** that upon the Declaration of Jay Goettelmann, executed on October 17, 2023, the exhibits attached thereto; the request for judicial notice dated October 18, 2023; the accompanying memorandum of law dated October 18, 2023; and of all the papers and proceedings therein, Defendant J.Crew Group, LLC ("Defendant") moves this court, on a date and time to be designated by the Court, at Daniel Patrick Moynihan United States Courthouse, for an order pursuant to Section 2 of the Federal Arbitration Act and Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), for an Order:

- 1) Compelling Plaintiff to arbitrate this dispute; and
- 2) Staying this action pending arbitration; or, in the alternative,
- 3) Dismissing this action for lack of personal jurisdiction;
- 4) Dismissing this action for failure to state a claim; and
- 5) For such other and further relief as the Court deems just and proper.

DATED: October 18, 2023

Respectfully submitted,

BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP

By: *s/ Michael A. Vatis*

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Michael A. Vatis (NY Bar No. 2258655)  
Benesch Friedlander Coplan and Aronoff LLP  
1155 Avenue of the Americas, Floor 26  
New York, NY 10036  
646.593.7050  
mvatis@beneschlaw.com

Stephanie Sheridan (pro hac vice forthcoming)  
Meegan B. Brooks (pro hac vice forthcoming)  
Matthew P. Farrell (pro hac vice forthcoming)  
Benesch Friedlander Coplan and Aronoff LLP  
100 Pine Street, Suite 3100  
San Francisco, California 94111  
628.600.2250  
ssheridan@beneschlaw.com  
mbrooks@beneschlaw.com  
mpfarrell@beneschlaw.com

*Attorneys for Defendant J.CREW GROUP, LLC*